

Application Serial No. 10/564,938  
Amendment

PATENT  
Docket: CU-4652

### **AMENDMENTS**

#### **Amendments To The Drawings:**

The attached drawing sheets include changes to FIGS. 1-15. The amendments to the drawings are made on Replacement Sheets as required under 37 CFR 1.121.

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### REMARKS

The Applicant respectfully requests reconsideration.

In the Office Action dated September 24, 2009, the Examiner indicated that claims 33, 37-57, and 66-68 are under examination. In the Office Action, the Examiner objected to the drawings and claims 46-49. The Examiner also rejected claims 33, 37-57, and 66-68 under 35 U.S.C. §101 and 35 U.S.C. §112, first paragraph; and claims 46-49 under 35 U.S.C. §112, second paragraph. The Applicant respectfully asserts that the rejections set forth in the Office Action have been overcome by amendment or are traversed by argument below.

In the drawings, please replace drawings 1-15 with the Replacement Sheets provided in the Appendix after the last page of this paper. The Applicant believes that the Replacement Sheets correct deficiencies noted by the Examiner on page 2 of the Office Action. No new matter has been added. The Applicant submits that since these Replacement Sheets cure the defects found in the drawing pages, the basis for the rejection is moot and the Examiner is respectfully requested to withdraw the objection as to the drawings.

In the claims, please amend claims 33, 38-39, 46-53, and 55-57; newly add, claims 69 and 70; and cancel claims 37, 40, 54, and 66-68. No new matter has been added by way of the new claims or claim amendments. For instance, support for the amendments to claim 33 can be found in the original disclosure, for example in ¶[0001], ¶[0086], ¶[0091], ¶[0093], and previously presented claim 39. Support for amended claim 69 can be found in ¶[0001], ¶[0086], ¶[0087], ¶[0093], and previously presented claim 33. Support for amended claim 70 can be found in ¶[0001], ¶[0086], ¶[0087], and ¶[0093]. Support for amended claim 43 can be found in Figure 6. Support for

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amended claim 44 can be found in Figure 4. Support for amended claim 50 can be found in Figure 13b. The amendments and new claims can be found in the Amendments section of this paper in the Listing of claims beginning on page 3 of this paper.

In the Office Action on page 4, the Examiner objected to claims 46-49. Claims 46-49 have been amended to correctly depend from claim 33 and not cancelled claim 34. The Applicant submits that this amendment is fully responsive to the Examiner's objection and respectfully requests that the Examiner withdraw this ground of objection as to these claims.

In the Office Action, the Examiner rejected claims 33, 37-57, and 66-68 under 35 U.S.C. §101. Of note is that the Applicant has cancelled claims 37, 40, 54, and 66-68 herein thereby rendering any rejection of those claims moot because the basis of the rejection has been removed.

Furthermore, the Applicant submits that the amendments made herein clarify that the method of claim 33, and dependant claims, has a specific utility wherein the method provides a way to analyze samples comprising analytes including biomolecules or small molecular organic compounds. This recitation provides both a substantial and a specific utility. A person skilled in the art would find it useful to have a method by which to analyze samples comprising biomolecules or small molecular organic compounds, and by the method claimed, would be able to distinguish between samples that have or do not have the same. The Applicant submits, therefore, that claim 33, and dependant claims 37-57, have utility and satisfy the requirements under 35 U.S.C. §101. The Applicant respectfully requests that the Examiner withdraw this ground of rejection of the claims.

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The Examiner also rejected claims 33, 37-57, and 66-68 under 35 U.S.C. §112, first paragraph. As previously remarked, the rejection of cancelled claims is moot and the Examiner is requested to withdraw the rejection as to those claims. In addition, however, the Examiner is also requested to withdraw the rejection as to the pending and amended claims because a person of skill in the art would be enabled to make and use the Applicant's invention as claimed in claim 33, and dependant claims. For instance, claim 33 provides clear steps, supported by the specification, to enable a person skilled in the art to perform the invention. The Applicant submits that the claims are enabled, and respectfully requests that the Examiner withdraw this rejection as to the claims.

The Examiner also, on page 8, rejected claims 46-49 under 35 U.S.C. §112, second paragraph. The basis for the rejection of these claims has been removed in that the Applicant has amended the dependency of the claims so that they depend from claim 33 and not cancelled claim 34. The Applicant respectfully requests that the Examiner withdraw this ground of rejection as to the claims.

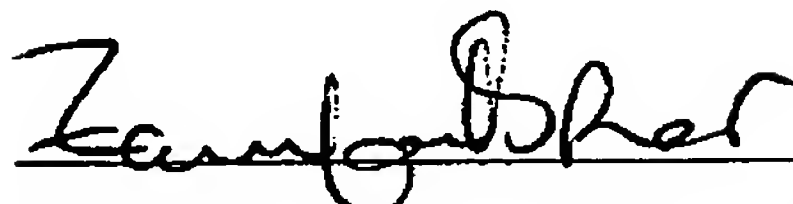
### **CONCLUSION**

The Applicant respectfully submits that this paper is fully responsive to the Office Action dated September 24, 2008. The Applicant respectfully requests that the Examiner enter the amendments and the Replacement Sheets into the record. The Applicant submits that the claims are in condition for allowance and respectfully requests favorable consideration.

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Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Zareefa B. Flener', is written over a horizontal line.

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## APPENDIX